



RECEIVED

JUL 08 2003

TC 1700

177e
28,355-A #11

Paper No. 12

Art Unit 1772 Examiner Alexander Thomas
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lester E. Cornelius, et al.

Serial No.: 09/783,520 ✓

REQUEST FOR
WITHDRAWAL OF NOTICE
ABANDONMENT

Filed: 02/15/2001

For: Toner Seal Tear Strip Construction

COMMISSIONER FOR PATENTS AND TRADEMARKS
POST OFFICE BOX 1450, MAIL STOP AF
ALEXANDRIA, VA 22313-1450

SIR:

Responsive to office letter dated June 10, 2003, request is made for withdrawal of the accompanying Notice of Abandonment, which indicates that abandonment occurred for failure to respond to the office letter of October 22, 2002. The accompanying copies of documents are submitted to show that a response was in fact received in good time, although it included a typographic error in the serial number. However, the accompanying covering letter clearly identified the examining unit, the examiner's name, the names of the applicants, the title of the invention, and other data, including attorney's docket number, so that the document should have found its way to the office file.

Not having received a response, counsel did contact Examiner Thomas in March, and pursuant to request, faxed a copy to the designated fax number, which fax also apparently was not received by Examiner Thomas. Following a subsequent telephone call, counsel remailed the response with an accompanying postcard

which apparently was received by the office but not before the Notice of Abandonment was dictated by the Examiner.

The failure to notice the erroneous serial number was occasioned by the fact that the office letter of October 22, 2002 was a two-month action, and counsel's typist is located in Bluffton, South Carolina. A response was dictated immediately upon receipt, and the new declaration was mailed promptly to the principal applicant, Lester E. Cornelius, directly from Bluffton. It was executed and then forwarded to Hong Kong, China for execution by the second applicant, and returned by expedited mail. Counsel received the completed document the day immediately before he left on vacation in December and mailed the same, together with a large amount of other mail in hope of avoiding Christmas delays, since the response was due December 22, 2002. A return postcard was dated December 9, 2002, over two weeks before the last day.

Accordingly, it is requested that the Notice of Abandonment be withdrawn, if based solely on the fact that a response to the office action of October 22, 2002 was not received. Applicant's submission included not only a certificate of mailing, but a return postcard, which acknowledged receipt of the document. It is believed that the response must have either been misplaced, or filed with the application file for the mistyped serial number, Serial No.: 09/753,520, but in such case, the Examiner handling that case, or that art unit had sufficient information to contact Examiner Thomas and notify him of the error.

Without being aware of the error which resulted from counsel's most recent call to Examiner Thomas April 7, 2003, there is nothing which Applicant could have done to correct the error.

Respectfully,



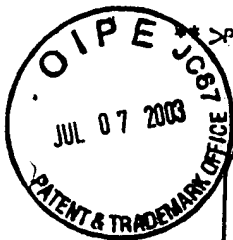
Charles E. Temko
Attorney for Applicant

22 Marion Road
Westport, CT 06880
(203) 227-7368

RECEIVED

JUL 08 2003

TC 1700

Please type a plus sign (+) inside this box → ☐ ±

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Approved for use through 9/30/98. OMB 0651-0032
 Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing

Attorney Docket Number	28,355-A
First Named Inventor	Lester E. Cornelius
COMPLETE IF KNOWN	
Application Number	09/753,520
Filing Date	02/15/2001
Group Art Unit	1772
Examiner Name	Alexander S. Thomas

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

REINFORCED TONER SEAL TEAR STRIP CONSTRUCTION

(Title of the invention)

the specification of which

☐ is attached hereto
OR

☒ was filed on (MM/DD/YYYY) 02/15/2001 as United States Application Number or PCT International

Application Number 09/753,520 and was amended on (MM/DD/YYYY) Oct 15, 2002 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/216,742	07/07/2000	

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Rev. 3, July 1997



RECEIVED

JUL 08 2003

TC 1700

CHARLES S. TEMKO
CHARLES E. TEMKO

TEMKO & TEMKO
22 MARION ROAD, WESTPORT, CONN. 06880
CODE 203 227-7300

COUNSELORS AT LAW
IN

PATENT AND TRADEMARK CAUSES

28,355-17

GAIL E. NICKOLS
COUNSEL

FACSIMILE NO.
203 227-6420

ART UNIT 1712

EX. A THOMAS

Reprint

On the United States Patent Office

Applicant: Lester E. Carnarius et al

Serial No. 09/153,520

Filed 02/15/2002

For: Reinforced Toner Seal Tear Strip Construction

Commissioner of Patents

Box AF

Washington, D.C. 20231

Sir,

Responsive to most recent action of the examiner of
Oct 25, 2002, a new declaration is submitted

Respectfully

Charles E. Thomas

Attorney of Record

WC.

12/02/02

It is hereby certified that this correspondence is being deposited
with the United States Postal Service as first class mail in
order to expedite its delivery to the
Commissioner of Patents and Trademarks, Washington, D.C.

20231, on 12/02/02

Dated 12/02/02

By: Charles E. Thomas



RECEIVED

JUL 08 2003

TC 1700

12/25/02

28,355-12

Lester Cornelius

09 / 253,520

Received

New Declaration

Covering letter

date received





RECEIVED

JUL 08 2003

TC 1700

Also type a plus sign (+) inside this box → ☐

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/01 (3-97)
Approved for use through 9/30/98. OMB 0651-0032
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEDECLARATION FOR
UTILITY OR DESIGN
PATENT APPLICATION☐ Declaration
Submitted
with Initial
Filing OR ☒ Declaration
Submitted after
Initial Filing

Attorney Docket Number	28,355-A
First Named Inventor	Lester E. Cornelius
COMPLETE IF KNOWN	
Application Number	09/753,520
Filing Date	02/15/2001
Group Art Unit	1772
Examiner Name	Alexander S. Thomas

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

REINFORCED TONER SEAL TEAR STRIP CONSTRUCTION

(Title of the Invention)

The specification of which

☐ is attached hereto
OR☒ was filed on (MM/DD/YYYY) 02/15/2001 as United States Application Number or PCT International

Application Number 09/753,520 and was amended on (MM/DD/YYYY) Oct 15, 2002 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/216,742	07/07/2000	

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.